

## REMARKS

### *Claim Rejections under 35 U.S.C. 112*

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further specifically indicates that the limitation "no spring force is provided to encounter or be encountered by said magnetic field" is a negative limitation that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent (MPEP 2173.05(i)). Applicant respectfully traverses it.

According to the beginning of MPEP 2173.05(i), *there is nothing inherently ambiguous or uncertain about a negative limitation, and so long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112.* Accordingly and understandably, **NOT all negative limitations are prohibited.**

In the instant application, one preferred feature is clearly depicted that opening of the cover depends on magnetic force operating between the electromagnetic coil and the magnet and NO torsion SPRING is required for opening (see specification, page 3, lines 7-9). Therefore, the negative limitation is already supported in the disclosure and complies with written descriptive requirements. On the other hand, with this negative limitation, in the dependent claim 19 the boundaries of the patent protection are clearly further defined NOT to cover the unfolding apparatus **which has the spring** involved with the magnetic field during opening the cover. Thus, this negative limitation is evidentially believed to meet the requirement

defined in MPEP 2173.05(i). Removal of rejection to claim 19 under 35 U.S.C. 112 is respectfully requested.

The Examiner did NOT say anything on this matter in the advisory action. Thus, Applicant believes that the rejection under 112 is overcome. If the Examiner still can NOT acknowledge the negative limitation after reviewing the foregoing arguments, please indicate and further explain in details in the next advisory action so Applicant may reconsider this issue and decide whether an appeal is required to be taken for pursuing this issue.

***Claim Rejections under 35 U.S.C. 102(e)***

Claims 1,3-6, 8-11, 13, 14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Holshouser (US006151486A).

Regarding claim 16, the controller activates circuits to create a magnetic field to repel the device mounted on the cover. However, in Holshouser, the cover is moved from a closed position to an open position through the biasing force of a spring member under assistance of the conductive coil reducing/eliminating the 9 (original) magnetic force between the two magnets (column 6, lines 37-44). It will be apparent that the structure and the operation manner of the unfolding apparatus of the cellular phone of the instant application are *different from and/or opposite to* those of Holshouser and thus novel in relation thereto.

Anyhow, to simplify prosecution of the instant application, Applicant has incorporate the subject matter, i.e., negative limitations, of the original claim 19 into claim 16. Because the cited reference can NOT meet such a negative

limitation, i.e., no spring force being provided to encounter or be encountered by said magnetic field, Holshouser et al. can NOT anticipate or render obvious the claimed invention as defined in the amended claim 16.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,  
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